

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA, :
: Plaintiff,
v. : : Criminal Action No. 06-127-GMS
: Defendant.

**DEFENDANT'S UNOPPOSED MOTION FOR CONTINUANCE
OF SENTENCING HEARING**

Defendant, Frederick Wehle, by and through his undersigned counsel, Edson A. Bostic, hereby moves this Court for an Order continuing the Sentencing Hearing in this case.

In support of this motion, Mr. Wehle avers as follows:

1. On or about April 4, 2007, Mr. Wehle appeared before this Court and plead guilty to three counts of bank robbery, in violation of 18 U.S.C. § 2113(a). Sentencing is currently set for June 28, 2007.

2. Mr. Wehle is requesting a postponement of the Sentencing Hearing because defense counsel is awaiting receipt of certain of Mr. Wehle's medical and mental health records, as well as receipt of a report and evaluation of Mr. Wehle by a forensic psychologist.

3. Counsel seeks the medical and mental health records to support mitigation at sentencing due to Mr. Wehle's apparent substantial and complicated history of emotional and mental health problems.

4. Another basis for the postponement is to allow Counsel's retained forensic

psychologist to conduct an evaluation of Mr. Wehle and prepare report regarding Mr. Wehle's present and past mental health state.

5. The expert was to meet with and evaluate Mr. Wehle on Thursday, May 31, 2007, at the Delaware Correctional Center in Smyrna, Delaware. (See Confirmation of Appointment attached as Exhibit A.) Unfortunately, due to a severe accident resulting in the closure of I-95, the evaluation of Mr. Wehle had to be postponed. Therefore, the expert was not able to conduct his evaluation before Wednesday, June 6, 2007. (See Rescheduling of Appointment attached as Exhibit B.) However, the report is now expected to be completed within the next three weeks.

6. Accordingly, defendant believes that, in the interests of justice, a postponement of the Sentencing Hearing is warranted.

7. The government does not object to Mr. Wehle's request for a postponement.

WHEREFORE, the Defendant, Frederick Wehle, respectfully requests that this Court issue an Order postponing the Sentencing Hearing for at least 30 days.

Respectfully submitted,

/s/
Edson A. Bostic, Esquire
Federal Public Defender

Attorney for Frederick Wehle

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Dated: June 8, 2007

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA, :
: Plaintiff, :
: :
v. : Criminal Action No. 06-127-GMS
: :
FREDERICK WEHLE, :
: :
Defendant. :
:

ORDER

Having considered Defendant's Unopposed Motion For Postponement Of Sentencing Hearing;

IT IS HEREBY ORDERED this _____ day of _____, 2007, that Defendant Wehle's Sentencing Hearing shall be on the _____ day of _____, 2007, at _____ a.m./p.m.

Honorable Gregory M. Sleet
United States District Court

EXHIBIT A

C O V E R

S H E E T

FAX

To: Major Holman - DCC
Fax #: 302-659-6663
Subject: Psychological Evaluation for Frederick Wehle
Date: May 8, 2007
Pages: 1, including this cover sheet

COMMENTS:

Dear Major Holman -

I spoke to Kathy today and she stated that you need a memo requesting our Psychologist Dr. Allan Tepper to submit what his specifications are to conduct his evaluation. Dr. Tepper would like to come on Thursday, May 31st around 1:00 pm. He will need a few hours to conduct his evaluation.

I spoke to Dr. Tepper and he would like the room with no glass, a table and 2 chairs and no restraints. He will be bringing a briefcase containing the following: paperwork related to Mr. Wehle's case, paper to administer the psychological test, cardboard flash cards, small plastic blocks, and a few pencils and/or pens. He will not be bringing any electronic devices.

Please let me know once this visit is approved and feel free to contact me if you require further information.



From the desk of...

Rhonda Bowman
Administrative Officer
Office of the Federal Public Defender
District of Delaware
704 King Street, Suite 110
Wilmington, Delaware 19801

(302) 573-6010
Fax: (302) 573-6041
Rhonda_Bowman@fd.org

EXHIBIT B

C O V E R

S H E E T

FAX

To: Major David Holman c/o Kathy
Fax #: 302-659-6663
Subject: Psychological Evaluation for Frederick Wehle
Date: May 24, 2007
Pages: 1, including this cover sheet.

COMMENTS:

Kathy & Maj. Holman:

Due to traffic problems and the closure of I-95 Southbound - Dr. Tepper would like to reschedule his evaluation of Mr. Wehle to Wednesday, June 6th @ 1:00 pm.

Please contact me if you have any questions or require further information.

From the desk of...

Rhonda Bowman
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